



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

March 13, 2019

System No. 1000604

John Verwey, Owner
Johann Dairy
11511 W. Floral Avenue
Fresno, CA 93706

CITATION NO. 03-23-19C-043

1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MONITORING VIOLATION FOR THE FIRST, SECOND, AND FOURTH QUARTERS OF 2018

Enclosed is Citation No. 03-23-19C-043 (hereinafter "Citation"), issued to the Johann Dairy (hereinafter "Water System"), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

265 West Bullard Avenue, Suite 101, Fresno, CA 93704 | www.waterboards.ca.gov

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact our office at 559-447-3300.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Robledo', is written over the typed name.

José A. Robledo, P.E.
Senior Water Resource Control Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Enclosures

Certified Mail No. 7018 0040 0000 3159 8992

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Johann Dairy

Water System No: 1000604

Attention: John Verwey, Owner

11511 W. Floral Avenue

Fresno, CA 93706

Issued: March 13, 2019

CITATION FOR NONCOMPLIANCE
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64445

FAILURE TO CONDUCT INITIAL MONITORING FOR
1,2,3-TRICHLOROPROPANE
FIRST, SECOND, AND FOURTH QUARTERS 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter

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“California SDWA”), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter “Division”), and the Deputy Director for the Division, hereby issues Citation No. 03-23-19C-043 (hereinafter “Citation”), pursuant to Section 116650 of the CHSC to the Johann Dairy (hereinafter “Water System”), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter “CCR”), Title 22, Section 64445.

Applicable statutes and regulations can be found at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.html

STATEMENT OF FACTS

The Water System is classified as a nontransient noncommunity public water system with a population of 44, serving six connections.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment techniques, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board.

CCR, Title 22, Section 64445(b) requires the water system to initiate quarterly monitoring for any chemical added to table 64444-A in January after the effective date of the maximum contaminant level.

Effective December 14, 2017, all community and nontransient noncommunity public water systems were required to monitor their active sources for 1,2,3-trichloropropane (hereinafter "1,2,3-TCP"), and report all sampling results to the State Water Board beginning with the first quarter of 2018 (January 1 to March 31, 2018). Initial monitoring to determine compliance with the 1,2,3-TCP maximum contaminant level (hereinafter "MCL") for 1,2,3-TCP consists of four quarterly samples beginning with the first calendar quarter of 2018.

The Division issued Notice of Violation No. 03-23-18N-014 to the Johann Dairy water system on May 17, 2018 for failure to monitor for 1,2,3-Trichloropropane during the first quarter of 2018. Additionally, the Division issued Citation No. 03-23-18C-088 on September 19, 2018 for failure to monitor for 1,2,3-Trichloropropane during the first and second quarters of 2018.

The State Water Board's electronic water quality database shows that 1,2,3-TCP sampling results have not been submitted for the well listed below for the first, second, and fourth quarters of 2018.

Primary Station Code	Source Name
1000604-002	Well 02

DETERMINATION

The State Water Board has determined that the Water System has failed to comply with the CHSC, Section 116555(a)(1) and initial organic chemical monitoring requirements pursuant to CCR, Title 22, Section 64445 during the first, second, and fourth quarters of 2018.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. Collect a 1,2,3-TCP sample during the second quarter of 2019 (April 1, 2019 - June 30, 2019) and the third quarter of 2019 (July 1, 2019 – September 30, 2019) and the fourth quarter of 2019 (October 1, 2019 – December 31, 2019) from the raw water source listed in the table below and submit them to an appropriately accredited laboratory for analysis by a State Water Board-approved method. The analytical result of the sample must be submitted electronically to the State Water Board, by the laboratory that conducts the analysis, no later than the tenth day of the month following completion of the analyses. The Water System must collect at least four (4) quarterly samples from each source listed in the table to remain in compliance with the initial monitoring requirements for 1,2,3-TCP. The Water System must submit proper Primary Station codes to the laboratory with the samples collected.

Primary Station Code	Source Name
1000604-002	Well 02

2. By **March 31, 2019**, notify all persons served by the Water System of the violation of CCR, Title 22, Section 64445, in conformance with Sections 64463.4 and 64465. Copies of Sections 64463.4 and 64465 can be found at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.html

The Notification Template in Appendix 1 must be used to fulfill this Directive unless otherwise approved by the State Water Board. Notification shall be accomplished by the following methods:

- Posting of the Public Notification in conspicuous places within the area served by the Water System. The notice must remain posted for a minimum of seven (7) consecutive days and;
- By one of the following secondary methods to reach persons not likely to be reached by posting;
 - By publication in a local newspaper or newsletter distributed to customers, by internet posting of the notice or by direct delivery to each customer served by the Water System. If the Water System opts to issue the notice via internet website, the public notice must remain posted for a minimum of seven (7) consecutive days.

3. Complete Appendix 2: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 2 to the State Water Board by **April 15, 2019.**

All submittals required by this Citation, unless otherwise specified in the directives above, must be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation must include the following information: Water System name and number, citation number and title of the document being submitted.

dwpdist23@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

1 Nothing in this Citation relieves the Water System of its obligation to meet the requirements
2 of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section
3 116270), or any regulation, standard, permit or order issued or adopted thereunder.
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5 **PARTIES BOUND**

6 This Citation shall apply to and be binding upon the Water System, its owners,
7 shareholders, officers, directors, agents, employees, contractors, successors, and
8 assignees.

9 **SEVERABILITY**

10 The directives of this Citation are severable, and the Water System shall comply with each
11 and every provision thereof notwithstanding the effectiveness of any provision.
12

13 **FURTHER ENFORCEMENT ACTION**

14 The California SDWA authorizes the State Water Board to: issue a citation or order with
15 assessment of administrative penalties to a public water system for violation or continued
16 violation of the requirements of the California SDWA or any regulation, permit, standard,
17 citation, or order issued or adopted thereunder including, but not limited to, failure to correct
18 a violation identified in a citation or compliance order. The California SDWA also authorizes
19 the State Water Board to take action to suspend or revoke a permit that has been issued
20 to a public water system if the public water system has violated applicable law or regulations
21 or has failed to comply with an order of the State Water Board, and to petition the superior
22 court to take various enforcement measures against a public water system that has failed
23 to comply with an order of the State Water Board. The State Water Board does not waive
24 any further enforcement action by issuance of this Citation.

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5 José A. Robledo, P.E.
6 Senior Water Resource Control Engineer
7 Fresno District
8 SOUTHERN CALIFORNIA BRANCH
9 DRINKING WATER FIELD OPERATIONS
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11
12

3/13/19
Date



13 Appendices

- 14 1. Notification Template
15 2. Compliance Certification Form
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17 Certified Mail No. 7018 0040 0000 3159 8992